

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEYHAN MOHANNA,

Plaintiff,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.

Case No. 21-cv-03795-DMR

**ORDER TO SHOW CAUSE AND
VACATING HEARING**

Re: Dkt. Nos. 5, 19

Plaintiff Keyhan Mohanna, representing himself, filed this case on May 20, 2021, alleging claims for wrongful foreclosure, violations of California Commercial Code § 3302 *et seq.*, and quiet title against Defendants Wells Fargo Bank, N.A. and Dukes Partners II, LLC. [Docket No. 1 (“Compl.”).]

Federal courts are courts of limited jurisdiction, and a “federal court is presumed to lack jurisdiction in a particular case unless the contrary affirmatively appears.” *Stock W., Inc. v. Confederated Tribes*, 873 F.2d 1221, 1225 (9th Cir. 1989) (citations omitted). A federal court may exercise either federal question jurisdiction or diversity jurisdiction. Federal question jurisdiction under 28 U.S.C. § 1331 requires a civil action to arise under the constitution, laws, or treaties of the United States. By contrast, a district court has diversity jurisdiction over state law matters where the parties are diverse and “the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.” 28 U.S.C. § 1332. Parties are diverse only when the parties are “citizens of different states.” *Id.*

The complaint asserts that the court has federal question jurisdiction under 28 U.S.C. § 1331. Compl. at 5. This is incorrect since Plaintiff brings only state law claims. Further, based on documents filed with the California Secretary of State, it appears that Dukes Partners II, LLC may be a citizen of California. Since Plaintiff alleges that he is also a citizen of California, it

1 appears that the court does not have diversity jurisdiction over this case. Accordingly, the parties
2 are ordered to show cause as to why this case should not be dismissed for lack of subject matter
3 jurisdiction.

4 By September 7, 2021, each party (Plaintiff, Wells Fargo, and Dukes Partners) shall file
5 one-page letter that sets forth any basis for the court's jurisdiction and specifically explains the
6 citizenship of all parties. The hearing on Defendants' respective motions to dismiss in this case,
7 and the Initial Case Management Conference, currently set for August 26, 2021, are vacated. The
8 Initial Case Management Conference shall be rescheduled by the court later as deemed necessary.
9

10 **Defendants are ordered to immediately serve a copy of this order on Plaintiff and**
11 **inform him of the order by phone or email, if possible. Defendants shall specifically notify**
12 **Plaintiff that the hearing is vacated for this case only. The hearing in his other case,**
13 ***Mohanna v. Wells Fargo, N.A.*, No. 21-cv-3797, will still take place on August 26, 2021.**
14

15
16 **IT IS SO ORDERED.**

17 Dated: August 24, 2021

18 

19 DONNA M. RYU
20 United States Magistrate Judge
21
22
23
24
25
26
27
28